# Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

# Minutes February 27, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, February 27, 2009, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners** Mmes. Donnelly-Cohen, Lu, Morton, Porter, Smitten, Thao, Wencl; and

**Present:** Messrs. Alton, Barrera, Bellus, Goodlow, Gordon, Johnson, Kramer, Nelson,

Schertler and Ward.

Commissioners

Absent:

Ms. \*Faricy and Messrs. \*Commers, \*Margulies, Spaulding.

\*Excused

**Also Present:** Larry Soderholm, Planning Administrator; Donna Drummond, Interim Planning

Administrator; Nancy Homans, Mayor's Office; Lucy Thompson, Patricia James,

Anton Jerve and Sonja Butler, Department of Planning and Economic

Development staff.

# I. Swearing in of New Commissioners

New Saint Paul Planning Commission members Terri Thao and Anthony Schertler were sworn in by Shari Moore, City Clerk.

Approval of minutes February 13, 2009.

MOTION: Commissioner Donnelly-Cohen moved approval of the minutes of February 13, 2009. Commissioner Goodlow seconded the motion. The motion carried unanimously on a voice vote.

### II. Chair's Announcements

Chair Alton announced to the Commissioners the 2009 committee preference form needs to be filled out and turned in by March 13, 2009. The committee selections will be made at the March 27, 2009 meeting.

Chair Alton announced that Planning Administrator Larry Soderholm is retiring today and as part of sending him off a resolution for adoption was created and Chair Alton read the resolution.

<u>MOTION:</u> Commissioner Wencl moved approval of the resolution honoring Planning Administrator Larry Soderholm. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

# III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council for last week including the adoption of the Land Use Plan, the Housing Plan and the Historic Preservation Plan. The Transportation Chapter was laid over until March 11<sup>th</sup>. He reported on the Council agenda for next week, which includes a resolution asking the Planning Commission to complete a study to develop standards for Complete Streets. This is the terminology used to refer to streets that accommodate all users, including pedestrians, bicycles, transit, trucks and automobiles. This resolution was subsequently laid over until March 11<sup>th</sup>.

Mr. Soderholm mentioned there is a community workshop for the Central Corridor and asked Donna Drummond to elaborate on it. Ms. Drummond said there is a large group of various community organizations that are planning a Central Corridor Community Summit for the weekend of March 7th and March 8<sup>th</sup>. It will be at the Central Corridor Resource Center. The goal of the summit is to identify implementation steps for the community aspirations that have been identified in the Central Corridor Development Strategy. They have invited elected officials, appointed officials and staff to attend as individuals and residents. This is to be a very grass roots effort. Information on the summit will be e-mailed to the commissioners in case anyone is interested in attending.

### **IV.** Zoning Committee

#### **NEW BUSINESS**

#09-021-646 Concordia University Campus Boundary – Conditional Use Permit to expand Concordia University campus boundary and modification of parking location requirement for new stadium. 289 Hamline Avenue N. between Concordia and Marshall. (*Josh Williams*, 651/266-6659)

Commissioner Morton reported that the Zoning Committee laid this case over to the March 5, 2009 meeting.

#09-021-223 Nancy Rowe – Establishment of legal nonconforming use status for residential unit over garage (3 units total on lot). 1522 Hague Avenue, SW corner at Saratoga. (Anton Jerve, 651/266-6567)

Commissioner Nelson expressed concerns about inspections of the property for 3-units. He also stated the lot size is less then 75% of what it is required to be under the guidelines for triplexes; the property has inadequate parking; and the recently passed infill housing ordinance requires that housing units have a frontage on the street. The access to this building is in the back, in the middle of the yard facing the adjacent house to the West. He also stated that the building has been vacant for more than two years and non-conforming uses expire after one year. For all these reasons he is voting against this action.

Commissioner Kramer stated that according to the applicant all three units have been inspected and the property has been treated as a triplex by the City.

Commissioner Gordon asked if there was any information as to the outcome of those inspections.

Patricia James, PED staff, said the City has had a requirement that buildings with 3-units or more be inspected. That is done by the Fire Department and they issue certificates of occupancy. The applicant testified that she has consistently had a certificate of occupancy for 3-units and posted the certificate in the main building.

There was further discussion regarding the inspection process and coordination with zoning.

Commissioner Smitten noted that there is a duplex/triplex committee that is starting to look at some of these matters and her concerns are that the lot area requirements are not being met. She also expressed support for increasing the density in the city, particularly where there is transportation near by.

Commissioner Schertler had a question on the economic hardship and whether the property owner was selling the property.

Chair Alton explained that the existing owner is not selling.

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use status.

Commissioner Bellus called for a roll call vote.

<u>ROLL CALL VOTE</u>: The motion carried on a vote of 12-5 (Barrera, Bellus, Nelson, Schertler, Ward).

# V. Comprehensive Planning Committee

Chair Donnelly-Cohen announced the next meeting is on Tuesday, March 10, 2009 at 4:00 p.m. She also encouraged everyone to have a renewed interest, as they will be taking over responsibility for some of the Central Corridor issues.

# VI. Neighborhood Planning Committee

<u>District 8 Summit University Plan Summary</u> – Release draft for public review and set public hearing on March 27, 2009. (*Merritt Clapp-Smith*, 651/266-6547)

Larry Soderholm said the staff recommends the public hearing be scheduled and Merritt Clapp-Smith will do a presentation before the public hearing.

MOTION: Commissioner Wencl moved the Neighborhood Planning Committee's recommendation to release the draft for public review and set a public hearing for March 27, 2009. The motion carried unanimously on a voice vote.

<u>Capital Area Zoning Update</u> – Briefing for informational purposes only. (*Lucy Thompson*, 651/266-6578)

Lucy Thompson PED staff gave an informational update on the Capital Area Architectural and Planning Board's (CAAPB) update of its zoning ordinance. The CAAPB was created by State

Statute and is given authority for planning, zoning and urban design in the Capital Area (including the Capitol grounds, the neighborhood north of the Capitol, known as Capitol Heights, a small area in District 7, and a five-block area in downtown south of I-94). The CAAPB is appointed by the governor. The Capital Area has both a comprehensive plan and zoning ordinance. The purpose of this zoning update is to make the code easier to read, understand and enforce; allow for innovations in zoning, such as form-based coding, and planning, such as transit-oriented development; address new land uses that have become more prominent in the past decade; and remove inconsistencies between existing land use and zoning. This is an opportunity to codify the Rice Station Area Plan, adopted by the City Council in 2008, and incorporate the Central Corridor Overlay District regulations into the CAAPB zoning.

Ms. Thompson walked through the key elements of the proposed code revisions. She sits on an advisory committee set up by the CAAPB to guide the zoning update. There is a great deal of cooperation between the City and CAAPB in both planning and zoning, and much of what is being recommended is to make the Capital zoning code more consistent with the City zoning code.

Commissioner Nelson said that he remembered the CAAPB having had concerns about the new urban village proposed for the Sears site in the Rice Station Area Plan, and wondered how the zoning update addresses this. He also asked how the view corridor along Smith Avenue (and over the High Bridge) was being addressed. Ms. Thompson responded that it was the Minnesota Department of Administration, not the CAAPB, which had concerns about the loss of off-street parking on the Sears site with the development of the new urban village. Those 500-600 parking spaces are contracted out to State employees. Ms. Thompson said that DOA generally accepts that surface parking is not the "highest and best" use of the land around the Sears building, but is interested in working with CAAPB and City staff on how and when it gets phased out in conjunction with redevelopment. In terms of protecting the "long view" of the Capitol from Smith Avenue, the zoning update does not address it directly; instead, it addresses the closer-in views within the Capital grounds and the 4-5 blocks surrounding the Capitol. However, folks in Districts 9 and 17 are interested in having City staff do a zoning study to revisit the view corridors initially recommended in the Lower Cathedral Hill Plan (1985), including the long-view corridor along Smith Avenue.

Commissioner Schertler asked what local representation there is on the CAAPB. Ms. Thompson said she is not sure what State statute requires, but that the Mayor has always had at least one appointee on the Board. Commissioner Schertler asked whether there should be a requirement for "municipal consent" of the boundaries of the Capital Area, especially as it reaches into downtown, since there have been disagreements in the past over who should have planning and zoning authority south of the freeway. Ms. Thompson noted that she suspects the CAAPB would fight such a requirement, since it guards its authority pretty tightly, but that there has been an excellent staff-to-staff working relationship in the 20 years she's worked with the CAAPB, and many of these issues have been solvable at the staff level.

# VII. Communications Committee

Commissioner Smitten had no report.

| No reports  IX. Old Business None  X. New Business None  XI. Adjournment Meeting adjourned at 10:10 a.m.  Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul  Respectfully submitted,  Approved  (Date)  Donna Drummond Interim Planning Administrator  Marilyn Porter Secretary of the Planning Commission | VIII.                   | Task Force Reports   |        |
|--|-------------------------|--|--------|
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